

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARTHUR CAMPBELL, *et al.*,

Plaintiff, Civil No. 10-11371

-v- Magistrate Judge R. Steven Whalen

CYNTHIA GAUSE, et al.,

Defendants.

1

ORDER

This prisoner civil rights case, brought under 42 U.S.C. § 1983, was tried to a jury between October 10, 2017 and October 17, 2017, when the jury returned a verdict in favor of the Plaintiff as to certain counts. Judgment was entered on November 9, 2017.

Prior to trial, the parties stipulated to the dismissal without prejudice of Plaintiff's claim 8 (alleged violation of First Amendment Free Exercise Clause) and claim 9 (alleged violation of Religious Land Use and Institutionalized Persons Act) [Doc. #171]. Plaintiff has filed a post-judgment motion to "withdraw" that stipulated order [Doc. #181].

First, by agreement of the parties, the stipulated order removed these two religion-based claims from the jury. Having been brought after the jury returned a verdict, the motion is not only untimely, but it is moot. Plaintiff has offered no legal basis for this Court to set aside a properly entered stipulated order after judgment is entered. Secondly, the two claims

were dismissed without prejudice, so it is unclear what benefit would accrue to the Plaintiff by permitting him to “withdraw” his stipulation at this late date.

Accordingly, Plaintiff’s motion [Doc. #181] is DENIED.

IT IS SO ORDERED.

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: May 6, 2019

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on May 6, 2019, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla
Case Manager to the
Honorable R. Steven Whalen